IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 2413 of 2005

Between:

1 M/s Easton Marketing Pvt. Limited, rep. by its

Director Sanjay Chimnani S/o D.S. Chimnani,

1-3-10/3, Begumpet, Hyderabad.

2 M/s Golden Heritage Hotels a Partnership

Firm. rep. by its Licencee, G. Vinodh Reddy
S/o G.P. Reddy, aged 42 years, 73/A, Film

Nagar, Jubilee Hills, Hyderabad-33.

3 M/s Sri Balaji Hotels, rep. by its Managing

Partner K. Vijay Kumar S/o K. Srihari, aged

29 years, R/o 5th Floor, Bhaskar Plaza, Road

No.1, Banjara Hills, Hyderabad.

PETITIONER

AND

1 Government of Andhra Pradesh, rep. by its

Principal Secretary, Excise Department,

Secretariat Buildings, Hyderabad.

2 Commissioner, Prohibition and Excise,

Government of A.P., Secretariat, Hyderabad.
3 Prohibition and Excise Superintendent,

Hyderabad District, Hyderaba

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not treating the petitioners on par with the Bar & Restaurants run by 3 Star Hotels and above category and in not permitting the petitioners for running their business till 12.00 midnight by extending the timings of transacting business in the sale of liquor as being illegal, arbitrary, discriminatory and unconstitutional and further declare the 3rd respondent proceedings dated 17-1-2005 as illegal and direct the respondents to permit the petitioners to run their establishments and to transact business in liquor till 12.00 midnight on par with the Bar & Restaurants of 3 Star Hotels and above categories and pass such further order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.S.NIRANJAN REDDY

Counsel for the Respondent No.: GP FOR PROHIBITION & EXCISE

The Court made the following :

O R D E R

Petitioners claim to have established Bars of very high caliber, to cater to the needs of particular category of clients. It is their case that the facilities provided by them are of very high standard and conform to the standards stipulated by the Tourism Department. They urge that they are earning substantial foreign exchange. Their grievance is

that though their performance and establishment is superior to that of the Bars established by three star hotels, they are not being accorded permission to serve liquor up to 12.00 mid night, as is done in the case of three star hotels. They seek appropriate directions in this regard.

2 . Heard the learned counsel for the petitioner and the learned Government Pleader for Excise.

3 . In the matter of stipulating rules for supply of liquor, the Excise Department had maintained a distinction between the three star hotels on the one hand and the I.L.17 licencees on the other hand. In the case of former, it is permissible to serve liquor up to 12.00 mid night, whereas in the case of latter, it is up to 11.00 p.m. only. The question as to whether the Bars of the petitioners are comparable to three star hotels and whether they deserve to be extended the same facility, is to be considered by the respondents 2 and 3. This court cannot express any opinion about it.

4 . In W.P.No.372/2005, this Court had an occasion to consider the same issue. By order dated 24.01.2005, the said writ petition was disposed of with the following direction:

> “For the foregoing reasons, the writ petition is disposed of directing that it shall be open to the petitioner to file an application before the third respondent, duly enclosing the necessary accreditations given to it by the Department of Tourism or Director General of Foreign Trade, and on a consideration of the same, the third respondent shall pass appropriate orders, in the matter of according permission to the petitioner to enable it to serve the liquor in its bar and restaurant up to 12.00 in the mid night on par with three star hotels and above. There shall be no order as to

costs.”

5. The learned counsel for the petitioners contends that his clients also stand on the same footing.

6. Without expressing any opinion as to the eligibility or otherwise of the petitioners to be granted the facilities on par with the three star hotels, the writ petition is disposed of in terms of the directions contained in W.P.No.372/2005.

7. No order as to costs.

AVS ----------

21.02.2005

NOTE:

Issue C.C. by 24.2.05.

B/O

To

1 Government of Andhra Pradesh, rep. by its

Principal Secretary, Excise Department,

Secretariat Buildings, Hyderabad.

2 Commissioner, Prohibition and Excise,

Government of A.P., Secretariat, Hyderabad.

3 Prohibition and Excise Superintendent,

Hyderabad District, Hyderaba

4. Two C.Cs. to G.P. for Prohibition and Excise, A.P. High Court Buildings, Hyderabad (Out).

5. Two C.D. copies.